

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Interim Executive Director for Children and Young People
Date: 13 May 2014

Part 1

Electoral Divisions affected:
Burnley Central East;
Burnley North East

Proposal to Enlarge Holly Grove School, Burnley
(Appendix 'A' refers)

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Executive Summary

This report sets out detail on:

- the proposal to formally expand Holly Grove School, Burnley from 50 to 70 places with effect from 1 September 2014; and
- the responses received during the statutory notice period in order for the decision maker to make a determination in respect of the proposals.

Previous reports to the Cabinet Member for Children, Young People and Schools in respect of this proposal were dated 7 November 2013, when approval was given to commence consultation; and 6 February 2014, when the consultation responses received were considered and approval was given to publish statutory notices.

The authority published a statutory notice on 14 February 2014. In accordance with the statutory process for school expansion proposals, the notice invited Representations (objections or comments) within the statutory six week notice period, i.e. from 14 February to 27 March 2014.

Under the statutory school expansion procedure, a decision should now be taken about the proposal. If the authority fails to decide the proposal within two months from the end of the representation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for decision. The constitutional arrangements of the County Council provide for the decision to be taken by the Cabinet Member for Children, Young People and Schools.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) consider the information in this report;
- (ii) conditionally approve the proposal to make a prescribed alteration to Holly Grove School, Burnley by permanently expanding the number of places available from 50 to 70 with effect from 1 September 2014, subject to the granting of planning permission under Part 3 of the Town and County Planning Act 1990; and
- (iii) approve that an appropriate statutory decision letter be sent out as specified under legal requirements to give the reasons for the decision to those who are to be informed of them.

Background and Advice

Holly Grove School is currently officially designated as a 50 place school for pupils with generic learning difficulties (GLD) aged 2 – 11. However, over recent years, there has been an increase of children with GLD who also present challenging behaviour, complex health needs and autism. Pupil numbers at Holly Grove School have been well over 50 for a number of years and, in January 2014, the school had 68 pupils on roll. It is anticipated that this demand will continue to increase and, therefore, a revision in the approved number of the school is proposed.

The current proposal is to expand the approved number to 70 and provide additional accommodation at the school.

After the authority's publication of a statutory notice on 14 February 2014 and expiry on 27 March 2014 of the six week statutory period for representations to be made about the proposal, the authority is now at stage 4 of the 5 stage statutory process. This is summarised below:

Action	Timescale
Stage 1 consultation on the proposal referred to above.	18 November 2013 to 20 December 2013
Publish statutory notices	14 February 2014
Representation	14 February 2014 to 27 March 2014
Decision	13 May 2014
Implementation	1 September 2014

On 28 January 2014, the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2014 came into force. These Regulations replaced the 2007 Regulations of the same name. The effect of the new Regulations is to streamline processes by removing the statutory requirement for stage 1 consultation; reducing the representation period from six to four weeks on special school proposals (bringing them into line with expansion proposals for mainstream schools); and reducing the amount of information required in statutory notices. Guidance from

the Department for Education (DfE) states that proposals published after 28 January 2014 should follow the processes set out in the 2013 Regulations. The 2007 Regulations have continued to be applied in the case of the Holly Gove School proposals for the following reasons:

- the consultation process for Holly Grove School started in November and information provided in the statutory stage 1 consultation specified the procedures under the 2007 Regulations that applied at the time;
- DfE guidance is open to interpretation – 'proposals published' could refer to the publication of statutory notices or could refer to the publication of stage 1 consultation. Either way, it would be sensible to continue with the process that was started under the 2007 Regulations rather than switch to a different process half way through consultation;
- the statutory notices had to be finalised with the relevant newspaper well before 28 January 2014, when the new Regulations came into force; and
- the content of the full proposals and amount of time for representation is more under the 2007 Regulations than under the 2013 Regulations, therefore, by continuing with the process under the 2007 Regulations, the public and interested parties have not been disadvantaged.

Details of the proposals to be considered are set out in Appendix 'A'. The information contains the published notice and complete proposal.

Checks on receipt of Statutory Proposals

Before considering the merits of a statutory proposal, DfE guidance advises that there are four key issues which the Decision Maker must consider:

- Is any information missing?
- Does the published notice comply with statutory requirements?
- Has statutory consultation been carried out prior to the publication of the notice?
- Are the proposals 'related' to other published proposals (and should therefore be considered together)?

There is no information missing. The information is provided in the published notice and complete proposal at Appendix 'A'.

The published notice complies with statutory requirements.

Statutory consultation was carried out prior to the publication of the notice. The report to the Cabinet Member dated 6 February 2014 provides details of the stage 1 consultation and responses received.

The proposal is not 'related' to any other published proposals.

Representations

By the close of the statutory notice representation period on 27 March, the local authority had received two written responses:

- One from a member of Holly Grove School governing body requesting that the decision maker responds positively to the proposal as the school is in desperate need of the additional space.
- One from the Association of Teachers and Lecturers which noted the proposal and undertook to work co-operatively with stakeholders.

The responses have been placed on a file available in the Members' Retiring Room. Consultation responses are available for public inspection through Lancashire County Council Pupil Places and Access Service (Telephone 01772 531957).

Factors that the Decision Maker must take into consideration when determining the proposal:

Effect on standards and school improvement: decision makers should be satisfied that proposals for a school expansion will contribute to raising standards and improved attainment.

Comment: the OFSTED report for Holly Grove School found the school to be good with some outstanding features.

Every child matters: the decision maker should consider how proposals will help every child and young person be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being.

Comment: The statutory proposal is to formally expand the school, thereby increasing the number of SEN places available for children in the East of the County and minimising the potential to need to travel to other provision. The Ofsted report for Holly Grove School gave the school a grade of outstanding for the extent to which pupils feel safe and the extent to which pupils adopt healthy lifestyles.

Equal Opportunity Issues: the decision maker should consider the impact of the proposal on equal opportunity issues.

Comment: it is not considered that there are any equal opportunity issues associated with the proposal (see section on SEN Improvement Test and Equality and Diversity). The proposal is to expand the school which will not disadvantage any group and will benefit pupils at the school.

Need for places: the decision maker should consider whether there is a need for expansion by considering the evidence presented.

Comment: For a number of years, the school has had to admit in excess of its approved number of 50 due to demand in the area. As at January 2014 there were 68 pupils on roll. The proposal aims to formalise the approved number at 70 and provide additional accommodation, therefore addressing this issue.

Expansion of popular and successful schools: places should be allocated where parents want them and at schools with strong educational performance in absolute and relative terms. There is a strong presumption that proposals to expand popular and successful schools should be approved.

Comment: this consideration is aimed more at mainstream schools. However, the standards at Holly Grove School are good, as rated by Ofsted, and the school is well supported by its parents and carers.

Travel and accessibility: the proposed changes should be accessible and should not adversely impact on disadvantaged groups.

Comment: all pupils are transported to and from school and the proposal does not adversely impact on disadvantaged groups.

Funding and land: the Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available.

Comment: the capital funding for the expansion of the premises is available within the current schools budget and contributions from school partners (see section on Finance). The expansion will be fully accommodated on the current Barden Campus site.

Special Educational Needs Provision: the guidelines for consideration relate mainly to a full system review of SEN provision within a LA.

Comment: not applicable.

SEN Improvement Test: DfE guidance suggests that authorities should apply the SEN Improvement Test to proposals relating to provision reserved for pupils with SEN, and that if proposals fall short of the test, they should not be approved. The SEN Improvement Test requires proposers to demonstrate to parents how the proposed arrangements are likely to lead to improvements in standards and quality and / or the range of educational provision for children with SEN. The key factors are:

- Improved access to education and associated services;
- Improved access to specialist staff;
- Improved access to suitable accommodation; and
- Improved supply of suitable places.

Comment: in the case of the proposal under consideration, the formal expansion of the school will improve access to suitable accommodation and will improve the supply of suitable school places available within the County.

Views of interested parties: These should be taken into account.

Comment: the views of interested parties are included in this report. At stage 1 consultation, the results of which were reported to Cabinet Member on 6 February 2014, 12 communications of support, one neutral response and no responses expressing objection to the proposals were received.

Consultations

Full details of the consultation process are set out in Appendix 'A'.

Implications:

This item has the following implications, as indicated:

Risk management

There are legal risks associated with not formally designating Holly Grove School for the number of pupils it is providing for, and there are financial risks associated with not increasing the number of SEN places available within Lancashire maintained provision. Both are outlined below.

Legal

If the provision at the school is not formally designated for the correct number of pupils, there is a risk that the school may be required to reduce pupil numbers in the future to its current approved number of 50.

Financial

The proposal represents a small potential increase in the number of pupils on roll at Holly Grove School (compared to the numbers that are actually on roll). The school has recently had to refuse entry to some pupils because of accommodation difficulties. These pupils will represent a cost to either the County Council's budget in terms of increased travel to alternative schools, or the dedicated schools grant (DSG) if the pupils had to be placed in non LCC maintained provision. The small increase in pupil numbers at the school is, therefore, likely to represent a saving to the local authority and the DSG.

The capital project includes a reorganisation of accommodation for some of the Barden Campus partners. The full capital costs of the project will be met from the existing Capital Programme provision and contributions from Barden Primary School and Holly Grove School. Estimated costs of the full expansion programme, (including the non-statutory expansion of the primary school accommodation) are £2.2million. This will be funded £1.8m from the existing capital programme and £0.4m contributions from school partners for additional accommodation over the Lancashire County Council offer.

Equality and Diversity

School Organisation Regulations prescribe the consultation that is required around each individual school organisation proposal and significant capital investment. In the case of special schools this requires that a SEN Improvement Test is carried out (included above). In the case of the proposal under consideration, an adequate supply of appropriate school places will be secured within the County. Access to suitable education and appropriate accommodation will be significantly improved.

S. 149 of the Equality Act 2010 sets out the equality duty that public authorities must comply with. The proposal is to expand the school which will not disadvantage any group and will benefit existing and future pupils at the school.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Responses received during Representation period	February/March 2014	Steph Rhodes, Directorate For Children and Young People, 01772 531957

Reason for inclusion in Part II, if appropriate

N/A